



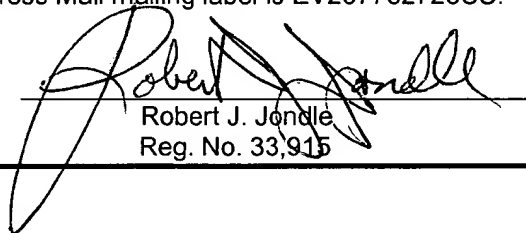
**IN THE
UNITED STATES
PATENT AND TRADEMARK
OFFICE**

<i>Application Number</i>	09/782,255
<i>Filing Date</i>	February 14, 2001
<i>First Named Inventor</i>	Bruce Marvin HELD
<i>Group Art Unit</i>	1636
<i>Examiner Name</i>	W. Sandals
<i>Attorney Docket Number</i>	N1205-009

Title of the Invention: **Promoter and Construct for Plant Transformation**

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail (post office to addressee) in an envelope addressed to: Mail Stop RCE, Commissioner of Patents, P O Box 1450, Alexandria VA 22313-1450 on this 6th day of November 2003. The number of the Express Mail mailing label is EV207752725US.


Robert J. Jondle
Reg. No. 33,915

AMENDMENT

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NOV 13 2003

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Sir:

In response to the Office Action mailed November 6, 2002 and the Notice of Appeal filed May 6, 2003, please enter the amendments as shown on the attached pages.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 4 of this paper.



61 11-07-03

RCE/1600 #

PTO/SB/30 (09-03)

Approved for use through 07/31/2006. OMB 0651-0031

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Request for Continued Examination (RCE) Transmittal

Address to:
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Application Number	09/782,255
Filing Date	February 14, 2001
First Named Inventor	Bruce Marvin HEY
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This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- iii. ☐ Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/ Declaration(s)
- iv. ☐ Other _____

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, or credit any overpayments, to
- a. ☒ Deposit Account No. 50-2368
- i. ☐ RCE fee required under 37 CFR 1.17(e) 11/10/2003 BABRAHA1 00000090 09782255
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17) 01 FC:1801 770.00 OP
- iii. ☒ Other any deficiencies or overpayments
- b. ☒ Check in the amount of \$ 2,250.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Robert J. Jondle	Registration No. (Attorney/Agent)	33,915
Signature		Date	November 6, 2003

CERTIFICATE OF MAILING OR TRANSMISSION

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Name (Print/Type)	Robert J. Jondle	Date	November 6, 2003
Signature			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.